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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>In re:</b>	§	
	§	
<b>HIGHLAND CAPITAL</b>	§	<b>Chapter 11</b>
<b>MANAGEMENT, L.P.</b>	§	
	§	<b>Case No. 19-34054-sgj11</b>
<b>Debtor.</b>	§	

**LIMITED JOINDER OF HUNTER MOUNTAIN INVESTMENT TRUST IN, TO,  
AND WITH THE MOTION TO STAY AND MOTION TO COMPEL MEDIATION  
AND INCORPORATED MEMORANDUM IN SUPPORT [DOC. 3752] TO  
SUPPORT MEDIATION AS SOUGHT THEREIN (ONLY)**

Hunter Mountain Investment Trust (“HMIT”) files this Limited Joinder (“Joinder”)<sup>1</sup> in the Motion to Stay and Motion to Compel Mediation, along with the incorporated memorandum of law [Doc. 3752] (“Motion to Compel”), insofar as the Motion to Compel seeks an order requiring mediation.

### **Limited Joinder**

1. Solely in the interests of facilitating potential resolution of the parties’ disputes, HMIT joins in the Motion to Compel to the limited extent it seeks to compel mediation. HMIT does not join in the Motion to Compel to the extent it seeks a stay of any proceedings that includes or involves HMIT’s Motion for Leave Proceedings.

### **Conclusion**

HMIT respectfully joins in the Motion to Compel and the relief requested therein, but only to the limited extent it seeks to compel mediation, as HMIT submits here that it

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<sup>1</sup> HMIT’s Joinder is filed, made subject to, and is without waiving any of HMIT’s substantive and procedural rights, including, but not limited to, in connection with HMIT’s Emergency Motion for Leave to File Verified Adversary Proceeding [Doc. 3699], refiled in redacted form as HMIT’s Emergency Motion for Leave to File Verified Adversary Proceeding [Doc. 3815], and HMIT’s Supplement to Emergency Motion for Leave to File Verified Adversary Proceeding [Doc. 3760], and all pleadings and submissions related thereto (together “HMIT’s Motion for Leave Proceedings”), certain of which are *sub judice*. Further, HMIT’s Joinder is expressly subject to and without waiver of HMIT’s rights and ability to seek withdrawal of the reference, pursuant to 28 U.S.C. § 157(d), FED. R. BANKR. P. 5011, and Local Bankruptcy Rule 5011-1, with respect to the proposed claims and causes of action related to the proposed Complaint that is the subject of HMIT’s Motion for Leave Proceedings (the “Complaint”). HMIT demands a right to a trial by jury of all claims asserted in or related to the proposed Complaint involving triable issues of fact, and neither this Joinder nor Plaintiffs’ compliance with the Misc. Order No. 33 Order of Reference of Bankruptcy Cases, U.S. District Court for N.D. Texas, shall be deemed a waiver of this right.

will appear at any mediation ordered by the Court, regardless of the presence or absence of a stay of HMIT's Motion for Leave Proceedings.

Dated: June 23, 2023.

Respectfully Submitted,

/s/Deborah Deitsch-Perez

Deborah Deitsch-Perez

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### CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this on June 23, 2023, true and correct copies of this document were electronically served by the Court's ECF system on parties entitled to notice thereof.

/s/Deborah Deitsch-Perez

Deborah Deitsch-Perez